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ATTORNEY DOCKET NO. APPLICATION NO. FILING DATE FIRST NAMED INVENTOR 10/633,370 08/01/2003 884.0128USU 5115 Roy Harold Taylor **EXAMINER** 7590 12/02/2004 Charles N.J. Ruggiero, Esq. KAUFMAN, JOSEPH A Ohlandt, Greeley, Ruggiero & Perle, L.L.P. ART UNIT PAPER NUMBER 10th Floor One Landmark Square Stamford, CT 06901-2682 3754

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensive of sine many be available used the previous of 37 CPR 1.136(a). In necessari, however, may a reply be timely filed 1 the period for reply a specified above is less than thirty (30) days, a neply within the stabulatory minimum of litting (30) stays will be considered timely. 1 the period for reply a specified above is less than thirty (30) days, a neply within the stabulatory minimum of litting (30) stays will be considered placed by the state of the communication. 1 the period for reply a specified above is less than thirty (30) days, a neply within the stabulatory minimum of litting (30) stays will be considered placed from the state of the communication. 1 the period for reply a specified above is less than thirty (30) days, a neply within the stabulatory minimum of litting (30) states of the communication. 1 the period for reply a specified above is less than thirty (30) days and very great (30) stays will be considered from the state of the communication. 2 the period of the state of the communication of the communication. 2 the period of the state of the communication of the communication is non-final. 3 the period of the state of the period of the communication of the state of the communication. 4 the period of the communication of the state of the state of the state of the state of the communication. 4 the period of the period of the state of the state of the state of the state of the communication. 4 the period of the state of the communication. 5 the state of th			Application No.	Applicant(s)	
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2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-30 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are objected to. 8) Claim(s) 1-30 are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: all accepted or bigological objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Altachment(s) 1) Notice of References Cited (PTO-892) 2) Paper No(s)/Mail Date. 9 Pap	Status				
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Paper No(s)/Mail Date 6) Other:					

Application/Control Number: 10/633,370

Art Unit: 3754

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species of the claimed invention: specie A drawn to Figures 1-8, specie B drawn to Figures 9-15.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, at least claim 1 is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over

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the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

- 2. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- 3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).
- 4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph A. Kaufman whose telephone number is (571) 272-4928. The examiner can normally be reached on Monday-Thursday, 5:30AM-2PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mar can be reached on (571) 272-4906. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joseph A. Kaufman Primary Examiner

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jak

November 22, 2004